

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

MICHAEL M. RUSSELL, LAURIE L.  
RUSSELL,

Defendants.

**4:12CR3042**

**MEMORANDUM AND ORDER**

The defendants have moved for an order requiring the government to disclose its experts and their opinions, (Filing No. 36), and for disclosure of Rule 404(b) evidence, (Filing No. 37). The government does not oppose the defendants' motions, (Filing No. 38), but has moved for reciprocal disclosure of the defendants' experts and expert opinions. (Filing No. 39). By operation of Rule 16(b)(1)(C)(i) of the Federal Rules of Criminal Procedure, if the defendant requests disclosure of the government's experts under subdivision (a)(1)(G) and the government complies, the defendants are likewise obligated to disclose their experts and associated opinions.

Accordingly, upon review of the parties' motions and the Federal Rules of Criminal Procedure,

IT IS ORDERED that the defendants' motions, (Filing Nos. 36 and 37), and the government's motion, (Filing No. 39), are granted as follows:

- 1) No less than ten (10) days prior to trial, the government shall provide a written summary of any testimony it intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial, including a summary description of the witness' opinions, the basis and reasons for those opinions, and the witness' qualifications.
- 2) No less than ten (10) days prior to trial, the government shall provide a description of any evidence of other crimes, wrongs or acts, as listed in

Rule 404(b) of the Federal Rules of Evidence, which the government intends to introduce at trial.

- 3) Provided the government has complied with its expert disclosure obligations under Rule 16(a)(1)(G), no less than ten (10) days prior to trial, the defendants shall provide a written summary of any testimony they intend to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during trial, including a summary description of the witness' opinions, the basis and reasons for those opinions, and the witness' qualifications.

March 26, 2013.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge